



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Gene Scott
Patent Law & Venture Group
3140 Red Hill Avenue
Suite 150
Costa Mesa, CA 92626-3440

COPY MAILED

AUG 07 2006

OFFICE OF PETITIONS

| | | |
|---------------------------------|---|-----------------------|
| In re Application of | : | |
| GOJNY | : | DECISION ON PETITION |
| Application No.: 10/634,515 | : | |
| Filed: August 4, 2003 | : | UNDER 37 CFR 1.137(b) |
| Attorney Docket No.: GOJNY.F-10 | : | |

This is a decision on the petition under 37 CFR 1.137(b), filed June 20, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the non-final Office action mailed September 22, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained and a reply was not filed. Accordingly, by operation of law, the above-identified application became abandoned on December 23, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee and (3) the required statement of unintentional delay have been received.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Accordingly, the reply to the non-final Office action of September 22, 2004 is accepted as having been unintentionally delayed.

The application is being referred to Technology Center AU 3711.

Application No.: 10/634,515

2

Telephone inquiries concerning this decision should be directed to the undersigned.

A handwritten signature in black ink, appearing to read 'Derek A. Putonen'.

Derek A. Putonen
Attorney Advisor
(571) 272-3294